

Assisted Dying

Position Paper



Disability Action is an organisation working with and for people with disabilities in Northern Ireland. As a campaigning body we work to bring about change and influence policy to ensure that people with disabilities are not disadvantaged in society and can make a valuable and valued contribution.

In order to assist understanding of the issues faced by our stakeholders we have produced a series of papers that outline the key concerns that we believe may impact the lives of disabled people in Northern Ireland. This paper considers the topic of assisted dying and the debate that is happening in wider society at present.

Introduction

Over the last few years the subject of assisted dying and the right to die have been increasingly debated in the media, legislation has been proposed and individuals have sought clarification on the workings of the current law through appeals to the House of Lords. More recently a consultation has been undertaken by the Public Prosecution Service in relation to new guidance for prosecutors.

This paper will look at some of the issues that Disability Action believes must be considered in this debate and sets out our position. This is Disability Action's position but we have also included the views given to us directly by disabled people.

The Distinction Between Disability and Terminal Illness

It is important to clearly understand the difference between a person with a disability and someone who is terminally ill.

In Lord Joffe's terminal illness is defined as follows; "...an illness which in the opinion of the attending and the consulting physician (a) is inevitably progressive, (b) cannot be reversed by treatment (although treatment may be successful in relieving symptoms temporarily), and (c) will be likely to result in the patient's death within six months.

The DDA defines disability as "a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities".

Many disabled people describe disability as the limitations imposed on them by society because of the many physical and social barriers they face. This is commonly known as the **Social Model of Disability**.

It is important to make this distinction for two reasons, firstly the term terminally ill is medical but more importantly it refers specifically to the 'end stage of life'.

Secondly, a person with a disability may see themselves in many different ways but disability is not solely an illness or a condition it is about how a person can be disabled by society because of their condition or impairment. Many disabled people who are either born with or acquire their disability lead 'normal' and fulfilling lives and like many non-disabled people never think about issues of dying.

Assisted Dying – Where Are We Now?

In the UK assisted suicide is unlawful

In May 2006 Lord Joffe's bill was defeated in the House of Lords. The Bill would have given doctors the right to prescribe drugs that a terminally ill patient in severe pain could use to end their own life.

In July 2009 a free vote in the House of Lords on an amendment to the Coroners and Justice Bill was defeated. The amendment would have removed the threat of prosecution from those who go abroad to help an assisted suicide.

However, the recent House of Lords Judgement (Purdy v Director of Prosecutions) has led to the Director of Prosecutions in Northern Ireland preparing an interim policy which has been subject to public consultation. The Code for Prosecutors provides guidance in Northern Ireland as to how decisions as to prosecution should or are likely to be taken in the public interest. The Director has said that this will be done in conjunction with the Attorney General. It has also emerged that the Director of Prosecutions in England and Wales has indicated that his policy will not just relate to travelling abroad but also to assisted suicide in the UK.

To date the PPS¹ has not published any revised guidance in Northern Ireland but revised guidance for England and Wales was published in February.

To date there have been approximately 125 known cases of people from the UK travelling to clinics outside the UK. These cases have included people who are not at the 'end of life'.

In none of the cases has a prosecution been brought under Section 2 of the Suicide Act 1961 (England and Wales), despite the fact that the Director of Public Prosecutions (England and Wales) has made it clear that he has considered in a number of cases that the evidential requirements of the Act have been satisfied.

Implications of the Debate for People with Disabilities

We need to seriously consider why no prosecutions have been initiated. Is it because society values the lives and contributions of disabled people less than those of non-disabled people? Whatever the reason, any law that is meant to protect some of the most vulnerable in our society is weakened by its lack of application.

We must also question the terminology of the 'right to die'. In UK and International Human Rights Law there is no 'right to die', there is the right to life, one of the most fundamental rights that we have.

Talking about a 'right to die' erodes the fundamental right of life that can be applied to ensure that we all are able to live with dignity and respect for our choices.

There must be a clear distinction between someone wanting to end their life because they are terminally ill and wanting control over the implementation of that decision and a person who wants to end their life because of the effects of their disability.

Fundamentally as a society we must ask ourselves if someone taking their own life because they have a disability is any different that someone taking their own life if they are not disabled. Do we as a society accept it more because it a person with a disability who has ended their own life rather than someone without a disability.

In the increasing complex debate on this issue, disabled people argue that society's acceptance of disabled people's deaths is as a result of their negative and stereotypical attitudes which see disabled people as passive and non-contributing.

If we give this message out in society we are truly saying that a disabled person has less right to life than a non-disabled person.

Does Legislation Need to Change?

People with certain medical conditions have firmly indicated that they want to make the choice about how they end their lives. These are often individuals with progressive conditions who fear that they may have to end their lives sooner than they would otherwise choose to ensure that they are fully in control of the decision and how and when it is implemented. They want some protection for their loved ones who may want to assist them at a later stage and who would be open to prosecution for assisting suicide.

Disabled people are concerned that the medical profession makes decisions on treatment based on how they perceive the individual's quality of life. The overwhelming response from disabled people is how anyone can, other than the individual, make that decision.

Disability Action Position

Disability Action is opposed to the legalisation of assisted suicide. Whilst we believe that people should have a right to control in their lives, we believe that changing the law to benefit a small number of people would have much wider repercussion on how society values people with disabilities.

The stringent controls that would need to be put in place for the legalisation of assisted suicide would ultimately force the individual to forego his or her choice.

In February 2009 Disability Action hosted a Hot Topics Debate on a number of issues, including Assisted Dying. These comments are taken from the transcript of the debate and from written feedback from those who could not attend.

I welcome the debate. Think we in the disability community need to take a stance. Life is a choice and shouldn't be wiped off the agenda and we do need to look at it.

I know someone who went to Switzerland in their 30's. Don't feel qualified to tell someone what to do. Think it's very much a personal choice. Personally I would vote against it.

Where's the difference between people diagnosed with advanced cancer and refusing treatment and someone choosing to go to Switzerland?

Personally not in agreement.

I feel this would be a good idea, as I feel people should have a greater choice to choose whether or not to have 'assisted dying' option, when terminal illness, severe pain and suffering, imminent severe/ extreme loss of faculties etc are factors involved, and are affecting, or imminently will affect, a person's quality of life.

Predicting ahead of time the potential of disability. 9 out of 10 females will terminate a pregnancy because the child may have a disability. Refusing treatment is not the same as being given something to assist dying. Lots of disabled people will be concerned this is the thin edge of the wedge. If the message that lives are not worth living keeps being spread then it becomes something that influences peoples opinion.

I would vote against it from an ethical and religious point of view. Element of suffering in all our lives and the value of peoples lives is expressed in different ways and suffering is one way. Legislation enshrines certain values and if we chip away at the right to life it's dangerous.

I don't believe that this law should be passed. No one should be allowed to play God.

Plus it could be misused eg people with disabilities might have their lives shortened without cause.

It needs to be an informed choice. Life becomes more expendable and cheaper for disabled people and this is a worry.

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